

AMENDED IN ASSEMBLY JUNE 24, 2004

AMENDED IN SENATE MAY 24, 2004

AMENDED IN SENATE MAY 11, 2004

AMENDED IN SENATE MAY 3, 2004

**SENATE BILL**

**No. 1590**

**Introduced by Senator Dunn**

February 20, 2004

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An act to add Section 6254.18 to the Government Code, relating to public records.

LEGISLATIVE COUNSEL'S DIGEST

SB 1590, as amended, Dunn. Public records: personal information.

The existing California Public Records Act provides that, except for exempt records, every state or local agency, upon request, shall make records available to any person upon payment of fees to cover costs.

This bill would exempt from disclosure under these provisions any personal information received, collected, or compiled by specified public agencies regarding the employees, volunteers, board members, owners, partners, officers, or contractors of a reproductive health services facility, as defined. The bill would specify how those individuals may request nondisclosure of the information and would specify other restrictions on the use of the information.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. The Legislature hereby finds and declares all of the following:

(a) No health care worker should be subject to the risk of threats, assaults, or physical harm in order to provide any legal medical procedure.

(b) A 2000 survey of providers of reproductive services conducted by the Senate Office of Research found that, from 1995 through 2000, half of health care workers providing reproductive services experienced a crime consisting of threats of violence and vandalism.

(c) Threats of violence, stalking, and vandalism have extended beyond reproductive service providers to also target their family members and supporters.

(d) The personal information used to target the victims of these crimes often is obtained by making a request for public records from a government agency.

(e) The high incidence of violence against reproductive service providers is one of the primary reasons why access to reproductive health services has become increasingly difficult.

SEC. 2. Section 6254.18 is added to the Government Code, to read:

6254.18. (a) Nothing in this chapter shall be construed to require disclosure of any personal information received, collected, or compiled by a public agency regarding the employees, volunteers, board members, owners, partners, officers, or contractors of a reproductive health services facility if the personal information is contained in a document that relates to the facility.

(b) For purposes of this section:

(1) “Personal information” means any information that is maintained by a public agency that identifies or describes an individual, including, but not limited to, his or her name, social security number, physical description, home address, home telephone number, education, financial matters, medical or contractors of a reproductive health services facility who have notified the public agency pursuant to subdivision (d) if the personal information is contained in a document that relates to the facility.

*(b) For purposes of this section, the following terms have the following meanings:*

*(1) “Contractor” means an individual or entity that contracts with a reproductive health services facility for services related to patient care.*

*(2) “Personal information” means the following information related to an individual that is maintained by a public agency: social security number, physical description, home address, home telephone number, statements of personal worth or personal financial data filed pursuant to subdivision (n) of Section 6254, personal medical history, employment history, electronic mail address, and information that reveals any electronic network location or identity.*

~~*(2)*~~

*(3) “Public agency” means all of the following:*

*(A) The State Department of Health Services.*

*(B) The Department of Consumer Affairs.*

*(C) The Department of Managed Health Care.*

~~*(3)*~~

*(4) “Reproductive health services facility” means the office of a licensed physician and surgeon whose specialty is family practice, obstetrics, or gynecology, or a licensed clinic, where at least 50 percent of the patients of the physician or the clinic are provided with family planning or abortion services.*

*(c) Any person may institute proceedings for injunctive or declarative relief or writ of mandate in any court of competent jurisdiction to obtain access to employment history information pursuant to Sections 6258 and 6259. If the court finds, based on the facts of a particular case, that the public interest served by disclosure of employment history information clearly outweighs the public interest served by not disclosing the information, the court shall order the officer or person charged with withholding the information to disclose employment history information or show cause why he or she should not do so pursuant to Section 6259.*

*(d) In order for this section to apply to an individual who is an employee, volunteer, board member, officer, or contractor of a reproductive health services facility, the individual shall notify the public agency to which his or her personal information is being submitted or has been submitted that he or she falls within the*

1 application of this section. The reproductive health services  
2 facility shall retain a copy of all notifications submitted pursuant  
3 to this section. This notification shall be valid if it complies with  
4 all of the following:

5 ~~(1) Is handwritten by the person who signs it or is in a typeface~~  
6 ~~no smaller than 14-point type~~

7 (1) Is on the official letterhead of the facility.

8 (2) Is clearly separate from any other language present on the  
9 same page and is executed by a signature that serves no other  
10 purpose than to execute the notification.

11 (3) Is signed and dated by both of the following:

12 (A) The individual whose information is being submitted.

13 (B) The executive officer *or his or her designee* of the  
14 reproductive health services facility.

15 ~~(d)~~

16 (e) The privacy protections for personal information  
17 authorized pursuant to this section shall be effective from the time  
18 of notification pursuant to subdivision ~~(e)~~ (d) until either one of the  
19 following occurs:

20 (1) Six months after the date of separation from a reproductive  
21 health services facility for an individual who has served for not  
22 more than one year as an employee, contractor, volunteer, board  
23 member, or officer of the reproductive health services facility.

24 (2) One year after the date of separation from a reproductive  
25 health services facility for an individual who has served for more  
26 than one year as an employee, contractor, volunteer, board  
27 member, or officer of the reproductive health services facility.

28 ~~(e)~~

29 (f) Within 90 days of separation of an employee, contractor,  
30 volunteer, board member, or officer of the reproductive health  
31 services facility who has provided notice to a public agency  
32 pursuant to subdivision (c), the facility shall provide notice of the  
33 separation to the relevant agency or agencies.

34 ~~(f)~~

35 (g) Nothing in this section shall prevent the disclosure by a  
36 government agency of data regarding age, race, ethnicity, national  
37 origin, or gender of individuals whose personal information is

- 1 protected pursuant to this section, so long as the data contains no
- 2 individually identifiable information.

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